HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 5370 OF 2007

Between:

Padala Venkata Rami Reddy

... Petitioner

And

The Election Commission of India,
New Delhi & others

... Respondents

:: O R D E R ::

Counsel for the petitioner : Shri Palle Nageswara Rao

Counsel for respondent No.1 : Smt. Jayasree Sarathy

16.03.2007

Per C.V. Nagarjuna Reddy,J

The petitioner, who claims to have filed his nomination for contesting election to Andhra Pradesh Legislative Council as an independent candidate from Local Bodies' Constituency of East Godavari, has filed this petition for issue of a mandamus to the respondents to restrict the entry of the Members of Legislative Assembly and Members of Parliament in the polling areas and also not to appoint Mandal Development Officers as polling officers in respect of the candidates contesting from the Local Bodies' quota in East Godavari District.

In the affidavit filed by him, the petitioner has expressed

apprehension that the local Mandal Development Officer would act under the pressure from the local Member of Legislative Assembly and the Member of Parliament and if they are allowed to enter in the polling areas, then there will be no possibility of free and fair election.

We have heard Shri Palle Nageswara Rao, who reiterated the petitioner's apprehension that the local Member of Legislative Assembly and the Member of Parliament, if allowed to enter the polling areas, will influence the voters and the Mandal Development Officer.

In the context of the submission made by him, we asked the learned counsel to point out any provision of the Representation of People Act, 1950, Representation of People Act, 1951 or any rule, order or instruction issued by the Election Commission of India under Article 324 of the Constitution restricting the entry of the Members of Legislative Assembly and the Parliament in the polling areas, but the learned counsel could not draw our attention to any such provision in the two enactments or rules, orders or instructions issued by the Election Commission of India. Therefore, we do not see any justification to entertain the prayer made by the petitioner only on the basis of apprehension expressed by him.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.6830 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

16.03. 2007

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